

## Message Text

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ACTION IO-11

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E.O. 11652: N/A

TAGS: PFOR, GH

SUBJ: COMPLAINT BY GHANA MISSION OVER TOW-AWAY OF DIPLOMAT'S CAR

1. WE HAVE RECEIVED NOTE VERBALE DATED FEB 10, 1976 FROM GHANA MISSION TO UN COMPLAINING THAT ON FEB 9 VEHICLE BELONGING TO J. AYEBI-ARTHUR, MISSION ATTACHE, WAS TOWED FROM OPEN SPACE AT RESIDENCE OF K. O. ODUM, MISSION ATTACHE, BY KINNEY GARAGE COMPANY ON BEHALF OF WATERSIDE HOUSING DEVELOPMENT. AT SAME TIME NOTE WAS DELIVERED, NUMBER OF TELEPHONE CALLS WERE RECEIVED FROM DANIEL KOTEL, SECOND SECRETARY OF MISSION, REQUESTING THAT CAR BE RELEASED IMMEDIATELY AND THAT TOWING CHARGE OF \$25 BE WAIVED ON BASIS MR. AYEBI-ARTHUR'S DIPLOMATIC IMMUNITY.
2. TOW-AWAY OCCURRED ON PRIVATE STREET WHICH IS PART OF WATERSIDE HOUSING DEVELOPMENT WHICH IS BUILT ON STRUCTURE ERECTED OVER EAST RIVER. STREETS ARE PRIVATE STREETS, NOT CITY STREETS. WE HAVE BEEN TOLD THAT SEVERAL DAYS PRIOR TO TOW-AWAY, FIRE OCCURRED IN APARTMENT IN WATERSIDE DEVELOPMENT. FIRE ENGINE HAD DIFFICULTY GOING TO SCENE OF FIRE BECAUSE OF ILLEGALLY PARKED CARS ON PRIVATE STREET. FIRE DEPARTMENT REQUESTED WATERSIDE TO TOW ILLEGALLY PARKED CARS FROM STREET IN FUTURE. WATERSIDE HAS FOLLOWED REQUEST OF FIRE DEPARTMENT WHICH HAS LED TO TOW-AWAY OF AYEBI-ARTHUR'S AUTOMOBILE.
3. AFTER RECEIVING FORMAL REQUEST FROM GHANA MISSION, WE CONTACTED ATTORNEY FOR WATERSIDE AND REQUESTED THAT CAR

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BE RELEASED WITHOUT PAYMENT OF TOWING CHARGE IN VIEW OF

AYEBI-ARTHUR'S DIPLOMATIC STATUS. ATTORNEY FOR WATERSIDE RELUCTANTLY AGREED TO HAVE CAR RELEASED WITHOUT CHARGE. HE EXPRESSED CONCERN, HOWEVER, ABOUT FUTURE DIPLOMATIC TOW-AWAYS AND ASKED USUN TO OBTAIN FORMAL LEGAL OPINION FROM DEPT WHETHER DIPLOMATIC VEHICLE COULD BE TOWED BY PROVIATE AUTHORITIES AND WHETHER FEE FOR TOW-AWAY CHARGES COULD BE MAINTAINED.

4. WE WOULD APPRECIATE LEGAL OPINION FOR TRANSMITTAL TO WATERSIDE AUTHORITIES ON QUESTIONS RAISED BY ATTORNEY FOR WATERSIDE.

5. TEXT OF NOTE VERBALE FROM GHANA MISSION IS AS FOLLOWS:

QTE: THE PERMANENT MISSION OF GHANA TO THE UNITED NATIONS PRESENTS ITS COMPLIMENTS TO THE PERMANENT MISSION OF THE UNITED STATES TO THE UNITED NATIONS AND HAS THE HONOUR TO INFORM THEM THAT, ON 9TH OF FEBRUARY, 1976, MR. J. AYEBI-ARTHUR, ATTACHE OF THE MISSION WAS OFFICIALLY INSTRUCTED TO VISIT MR. K.O. ODUM OF THIS MISSION WHO REPORTED SICK, AT 24-50 WATERSIDE PLAZA (EAST RIVER DRIVE) NEW YORK.

MR. AYEBI-ARTHUR, PARKED HIS CAR IN AN OPEN SPACE AT THE RESIDENCE OF MR. ODUM AND SURPRISINGLY, KINNEY GARAGE COMPANY ON TELEPHONE NUMBER 684-2738, TOWED THE CAR AWAY TO THEIR GARAGE, DEMANDING \$25.00 FOR THE RELEASE OF THE VEHICLE, TOYOTA CORONA SEDAN, ORANGE COLOUR, 589 DPL.

AS THE UNITED STATES MISSION IS AWARE, MR. AYEBI-ARTHUR IS A DIPLOMAT OF THE GHANA MISSION, AND HE IS ENTITLED TO FULL DIPLOMATIC PRIVILEGES AND IMMUNITIES. HIS PROPERTY AND FAMILY ARE THEREFORE TO BE PROTECTED AGAINST ANY PRIVATE INDIVIDUAL OR GOVERNMENTAL INSTITUTION.

IT WILL THEREFORE BE APPRECIATED IF THE UNITED STATES MISSION WILL USE ITS GOOD OFFICES TO CAUSE THE RELEASE OF MR. AYEBI-ARTHUR'S CAR WITH THE MINIMUM OF DELAY. WHOEVER WAS RESPONSIBLE FOR THE SEIZURE OF MR. AYEBI-ARTHUR'S CAR SHOULD ALSO BE REQUESTED TO RENDER AN UNQUALIFIED APOLOGY TO MR. AYEBI-ARTHUR AND REFRAIN FROM SIMILAR UNACCEPTABLE UNCLASSIFIED

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ACTS IN FUTURE.

THE PERMANENT MISSION OF GHANA TO THE UNITED NATIONS AVAILS ITSELF OF THIS OPPORTUNITY TO RENEW TO THE UNITED STATES MISSION TO THE UNITED NATIONS, THE ASSURANCES OF ITS HIGHEST CONSIDERATION. UNQTE.  
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